

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ERIN J. PAXSON,

4 Plaintiff

5 v.

6 LIVE NATION ENTERTAINMENT INC., et
7 al.,

8 Defendants

Case No.: 2:24-cv-00907-APG-EJY

**Order Granting Plaintiff Erin J. Paxson
Limited Discovery**

9 In opposing the Live Nation defendants' amended motion to compel arbitration (ECF No.
10 30), plaintiff Erin J. Paxson requests limited discovery to obtain screenshots of Front Gate's
11 checkout process active in August 2021, when she bought tickets to the Lovers and Friends
12 festival. Paxson argues that discovery is warranted because Live Nation did not submit such
13 screenshots to support Brandon Little's second declaration in which he "admitted that his
14 [previous] testimony about the history of Front Gate's website—based on asserted personal
15 knowledge—was inaccurate." ECF No. 32 at 19. In the current declaration, Little admits that he
16 had previously provided inaccurate information in his first declaration about the process that
17 customers on Front Gate's website used in August 2021 to assent to its terms of use. ECF No.
18 30-2 at 5. He states that he made a "further review of the historical records for Front Gate's
19 website," and that the information he provides in the current declaration is "fully supported by
20 the results of thorough investigation that was conducted of Front Gate's historical website
21 records." *Id.*

22 "A district court is vested with broad discretion to permit or deny discovery." *Laub v.*
23 *U.S. Dep't of Interior*, 342 F.3d 1080, 1093 (9th Cir. 2003) (quotation omitted). I may grant

1 discovery “where a more satisfactory showing of the facts is necessary.” *Boschetto v. Hansing*,
2 539 F.3d 1011, 1020 (9th Cir. 2008). Little previously provided inaccurate information about
3 Front Gate’s checkout process. And Live Nation did not provide screenshots of Front Gate’s
4 checkout process as it existed in 2021 or any of the “historical records for Front Gate’s website”
5 that Little relied on to make his second declaration. ECF No. 30-2 at 5. Out of an abundance of
6 caution, I grant Paxson’s request for limited discovery.

7 I THEREFORE ORDER that by January 28, 2025 the Live Nation defendants must file
8 with the court the historical website records of Front Gate’s online checkout process that was
9 active on August 2, 2021, which Paxson would have encountered when she bought tickets to the
10 Lovers and Friends festival. This includes accurate and authenticated screenshots of the
11 checkout webpage, if they exist, along with any other historic records of Front Gate’s website
12 that Little relied on to make statements about Paxson’s checkout process in his second
13 declaration.

14 Plaintiff Erin J. Paxson may file a supplemental brief within seven days after the Live
15 Nation defendants file their records with the court. This brief should address whether and how
16 the records differ from Little’s description of Front Gate’s August 2021 checkout process in his
17 current declaration. The Live Nation defendants may respond to Paxson’s supplemental brief
18 seven days after it is filed.

19 DATED this 14th day of January, 2025.

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22 _____
23 ANDREW P. GORDON
CHIEF UNITED STATES DISTRICT JUDGE